

15 September 1999

Safety

MISHAP REPORTING AND INVESTIGATION

This regulation outlines mishap reporting and mishap board investigation procedures. It also provides for assessment of pecuniary liability. **Note: Shaded areas identify new or revised material.**

1. Policy. The overall purpose of mishap reporting and investigation is mishap prevention. Prompt notification and reporting of all CAP mishaps to the appropriate officials is mandatory. When serious injury or death is involved, there will be no formal or informal investigation conducted by CAP unless directed by NHQ CAP.

2. Mishap. An unplanned or unsought event, or series of events, that results in death, injury, or damage to equipment or property.

3. Mishap Classification:

a. Bodily Injury. These are personal injury mishaps resulting from aircraft or vehicle accidents or incidents, falls, slips, being struck by an object, sport injuries, etc. Bodily injuries sustained in an aircraft or vehicle mishap should be reported as part of that mishap. Nontraumatic illnesses (i.e., poisoning, inhalation, or absorption of hazardous materials, etc.) that occur as a result of CAP activities will be reported as bodily injuries. (See Attachment 1 for a list of mishaps that are reportable on a CAPF 78, *Mishap Report Form*).

b. Property Damage. A mishap associated with:

1) Aircraft.

a) Flight. Mishaps involving the operation of corporate or member-furnished aircraft during CAP activities, which takes place between the time any person boards the aircraft with the intention of flight, until such time as all persons have disembarked. These mishaps are classified as accidents or incidents, depending on the severity. The definition of an aircraft accident is found in National Transportation Safety Board (NTSB) regulation, part 830 (Attachment 2). Mishaps where flight is intended, which are not classified as accidents by the NTSB, are recorded as incidents.

b) Ground. Ground accidents involving aircraft with no intent of flight, for example, tie-downs fail and aircraft is blown over by wind, aircraft is run into by a tug while parked, etc.

2) Vehicles. Ground mishaps involving corporate or member-furnished vehicles during CAP activities, including damage to structures such as buildings, fences, etc.

c. Other. Damage to or loss of other equipment not resulting in personal injury will be reported and accounted for in accordance with CAPM 67-1, *Civil Air Patrol Supply Manual*.

4. CAP Mishap Notification Procedures:

a. The unit or activity commander will immediately notify the wing commander and wing safety officer when any mishap occurs during a CAP activity.

b. Wing commanders or their designees will immediately notify NHQ CAP of all accidents involving substantial damage, serious injury, or death. Notify the National Operations Center, (NOC), by calling toll-free at 888-211-1812 (24 hrs/day). In addition, the wing will also immediately notify their liaison office, and the region commander or his/her designee, of all aircraft accidents or incidents, and all other mishaps involving death and/or serious injury. Criteria for aircraft mishap categories are defined in 830.2 of Part 830, NTSB Title 49 (Attachment 2).

c. If a CAP corporate aircraft is damaged and a hull self insurance (HSI) claim will be made, refer to CAPR 900-6, *Hull Self Insurance (HSI)*, for additional reporting requirements.

d. If a CAP corporate vehicle is damaged and a vehicle self insurance (VSI) claim will be made, refer to CAPR 900-7, *Vehicle Self Insurance (VSI)*, for additional reporting requirements.

5. CAP Form 78 Mishap Reporting Procedures:

a. Mishaps. Unit or activity commanders are responsible for completing and submitting a CAPF 78, (Attachment 3), within 48 hours of the mishap. The CAPF 78 is an important legal document, which must be completed correctly and submitted to CAP/DOR, CAP/GC, WING/CC, WING/LO, REGION/CC and REGION/SE. Receipt of the CAPF 78 by CAP/GC is a prerequisite to the member receiving any benefits for the damages or medical expenses incurred as a result of the mishap. A logic tree (Attachment 4) is provided to help determine reporting requirements.

b. Death or Serious Injury. In all cases involving death or serious bodily injury arising out of CAP activities, the preparation of the CAPF 78 must be coordinated through CAP/GC (usually by telephone) before it is submitted. Responsibility for the distribution of the CAPF 78 after coordination rests with the appropriate unit commander.

c. Member-Owned/Furnished Vehicles. CAP member-owned/furnished vehicles may not be used in CAP activities unless specific approval is given by the unit commander. Except for USAF missions,

transportation to and from CAP meetings, encampments, and other activities in member-owned/furnished vehicles is deemed personal transportation and not CAP's responsibility. A CAPF 78 should not be completed in such cases unless previously coordinated with CAP/GC.

d. Preparation of CAPF 78. All sections should be completed. The "Account of the Mishap" section should contain the basic information of the event without any reference to cause, fault, or blame. Be sure to verify the person authorizing the activity or movement of the aircraft, vehicle, etc. Telephone numbers of that person and the individual completing the report should be included.

e. NTSB Investigations. Wing commanders will ensure timely reporting of aircraft accidents and those specific incidents listed in NTSB Title 49, Part 830.5 (Attachment 2) to the nearest NTSB office. All reports will be brief and without reference to fault or liability. The following documents should be collected and, if requested, made available to the NTSB investigator:

- 1) All aircraft records
 - a) Aircraft information file
 - b) Registration
 - c) Airworthiness certificate
 - d) Engine records
 - e) Airframe records
- 2) CAP and pilot records
 - a) CAP personnel records
 - b) Pilot's personal flight log
 - c) Pilot's FAA and medical certificate
 - d) Pilot's past flight checks
- 3) Flight release documentation
 - a) CAPF 99/104, CAP Flight Release Log/Mission Flight Plan/Briefing Form
 - b) CAPF 84, CAP Counterdrug Flight/Mission Plan
 - c) CAPF 9, Release (for Non CAP Members)
 - d) CAPF 107, Flight Operations Log
 - e) Other preflight briefing documents

6. Mishap Investigation Procedures. No CAP formal or informal investigation shall be conducted, in cases involving death or serious injuries incurred during CAP activities, without the prior approval of the CAP General Counsel.

a. Subject to the restriction dealing with serious injuries and death cases outlined above, wing commanders must investigate incidents or accidents that arise out of CAP activities within their wings. The primary purpose of the investigation should be to determine how to prevent similar mishaps from recurring. The wing commander may use one member to investigate

or in appropriate and more serious cases, may appoint a board of three or more members. The most qualified members available should be used to conduct an investigation. Qualified means a member who has the experience, knowledge, and training relevant to the accident or mishap.

b. If a board of three or more members is appointed, it should use the CAP Board Procedures attached to this regulation in conducting its hearing and investigation (Attachment 5).

c. The investigation will be conducted as quickly as possible, using common sense and judgment throughout the process. The investigation should determine the sequence of events leading to the mishap (findings), and the events or acts of commission or omission which, done differently, could have prevented the mishap (causes). Additionally, the investigation report should state recommendations, which directly address the causes that would prevent a similar mishap. Vehicle accident investigation reports should include a copy of the local police report, if available. The report, when completed, is forwarded to the wing commander for action with a completed CAPF 79, *CAP Mishap Investigation Form*, as the cover sheet (Attachment 6).

1) Six copies are forwarded to the wing commander for review and action. The wing commander may return the report for further action if necessary. Also, the liability assessment program must be addressed on each CAPF 79 (reference paragraph 8 below). After wing commander approval, one copy will be forwarded to the wing liaison office and four copies forwarded to the region commander for review and approval.

2) After the region commander reviews and approves the report, it will be forwarded to CAP/DOR (Chief of Safety). The completed report should reach National Headquarters within 35 days of the mishap.

7. Suspension of CAP Flying Privileges: Any CAP pilot who is involved in an aircraft mishap while on a CAP flight activity shall not participate in any CAP flight activity pending the results of an investigation into the mishap. See CAPR 60-1, *CAP Flight Management*, for reinstatement procedures.

8. Assessments for Loss or Damage to CAP Property:

a. Assessments Up to \$500. Wing and region commanders may assess CAP members up to \$500 for negligent or intentional damage or loss of CAP property. Assessments should be imposed only if there is a finding of negligence or intentional loss or damage after an informal inquiry, and affording the member an opportunity to submit a statement and other relevant documents. The commander may allow assessments to be paid in installments requiring payment in full within 1 year. The CAPF 79 must reflect the assessment and method of payment.

b. Appeals. The member being assessed may appeal in writing to the next level of command, but must do so within 30 days of the imposition of the assessment. The decision of that commander is final and the assessment may not be the subject of further complaint or appeal by the member within CAP.

c. Assessments Beyond \$500. The National Commander may, in an appropriate case, increase a member's assessment beyond the first \$500 after affording the member an opportunity to make a statement and present evidence.

6 Attachments

1. Definitions of Reportable Bodily Injuries
2. Title 49 Transportation
3. CAP Form 78
4. Logic Tree for Mishaps
5. CAP Board Procedures
6. CAP Form 79

SUMMARY OF CHANGES

This revision describes the main purpose of mishap reporting as mishap prevention. Mishap notification is now accomplished through the National Operations Center (NOC). CAPF 78 recipients are now described in detail. Records to be gathered after an aircraft accident to facilitate an NTSB investigation are now described in detail. Mishap boards are now required to determine findings and causes in their report. Suspensions of CAP flying privileges are now addressed in this regulation. Reference to Federal Aviation Administration (FAA) is deleted, as federal regulatory requirements are for reporting to NTSB, not FAA.

DEFINITIONS OF REPORTABLE BODILY INJURIES

The following list is to be used as a guide in reporting bodily injuries experienced by CAP members during normal CAP activities. Bodily injuries sustained in an aircraft or vehicle mishap should be reported as part of that mishap. If a medical claim or litigation is anticipated, contact NHQ CAP/GC.

a. Bodily injuries to be reported on CAPF 78. All deaths or serious injuries are to be reported immediately, followed by a CAPF 78. * Denotes serious injury IAW NTSB Part 830.2.

- (1) All broken bones. *(All fractures are serious injuries except simple fractures of nose, fingers or toes.)
- (2) All lacerations requiring sutures. *(Severe hemorrhage)
- (3) Injuries involving internal organ damage.
- (4) All injuries that result in a loss of consciousness (not including fainting).
- (5) Insect bites that result in adverse reactions.
- (6) Serious injuries to the eyes, ears, throat, or head, including foreign objects in the eye.
- (7) Back injuries caused by improper lifting, twisting, etc.
- (8) All burns of second degree or greater severity or burns affecting more than 5% of the body.
- (9) All cases of injuries caused by inhalation, absorption, ingestion or contact of hazardous materials.
- (10) Poisoning of any kind.
- (11) All cases of heatstroke, sunstroke, heat exhaustion, frostbite, or hypothermia.
- (12) All injury resulting in hospitalization for 24 hours or more. *(Hospitalization greater than 48 hours.)
- (13) All dislocated bones/joints. *(Severe nerve, muscle or tendon damage.)

b. Nonreportable bodily injuries. No CAPF 78 required. (Generally considered first-aid type injuries.) These injuries will be recorded on a log by the unit safety officer and do not require a CAPF 78 to be completed.

- (1) Nonreactive insect bites or stings, i.e., simple bee stings or spider bites.
- (2) Fainting where there is no lasting trauma, i.e., fainting during drill exercises, etc.
- (3) Simple sprains, muscle pulls, muscle spasms.
- (4) Upset stomach, sore throat, stiff neck.
- (5) Intentionally self-inflicted injuries, i.e., hitting the wall with the fist, fighting, etc.
- (6) Minor sports or activity injuries such as black eyes, bruises, sore muscles, bloody nose, skinned knees, scrapes, minor cut lips, fishhook in finger, etc.
- (7) Crushing injuries to fingers or toes where no bone is broken, i.e., mashing finger in car door, etc.
- (8) Minor nicks and cuts.
- (9) Sunburn, poison ivy, poison oak, etc.
- (10) Asthma attacks.
- (11) Other minor injuries of similar nature to those listed above. Common sense should be a guide as to what injuries should be reported.

Code of Federal Regulations]
 [Title 49, Volume 5, Parts 400 to 999]
 [Revised as of October 1, 1997]
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TITLE 49--TRANSPORTATION

CHAPTER VIII--NATIONAL TRANSPORTATION SAFETY BOARD

PART 830--NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS OR INCIDENTS AND OVERDUE AIRCRAFT, AND PRESERVATION OF AIRCRAFT WRECKAGE, MAIL, CARGO, AND RECORDS

Subpart A--General

Sec.
 830.1 Applicability.
 830.2 Definitions.

Subpart B--Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

830.5 Immediate notification.
 830.6 Information to be given in notification.

Subpart C--Preservation of Aircraft Wreckage, Mail, Cargo, and Records

830.10 Preservation of aircraft wreckage, mail, cargo, and
records.

Subpart D--Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

830.15 Reports and statements to be filed.

Authority: Federal Aviation Act of 1958, as amended (49
 U.S.C. 40101 et seq.), and the Independent Safety Board Act
 of 1974, as amended (49 U.S.C. 1101 et seq.).

Source: 53 FR 36982, Sept. 23, 1988, unless otherwise noted.

Subpart A--General

Sec. 830.1 Applicability.

This part contains rules pertaining to:

- (a) Initial notification and later reporting of aircraft incidents and accidents and certain other occurrences in the operation of aircraft, wherever they occur, when they involve civil aircraft of the United States; when they involve certain public aircraft, as specified in this part, wherever they occur; and when they involve foreign civil aircraft where the events occur in the United States, its territories, or its possessions.

(b) Preservation of aircraft wreckage, mail, cargo, and records involving all civil and certain public aircraft accidents, as specified in this part, in the United States and its territories or possessions.[60
 FR 40112, Aug. 7, 1995]

Sec. 830.2 Definitions.

As used in this part the following words or phrases are defined as follows:

- Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

- Civil aircraft means any aircraft other than a public aircraft.

- Fatal injury means any injury which results in death within 30 days of the accident.

Incident means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

- Operator means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

- Public aircraft means an aircraft used only for the United States Government, or an aircraft owned and operated (except for commercial purposes) or exclusively leased for at least 90 continuous days by a government other than the United States Government, including a State, the District of Columbia, a territory or possession of the United States, or a political subdivision of that government. "Public aircraft" does not include a government-owned aircraft transporting property for commercial purposes and does not include a government-owned aircraft transporting passengers other than: transporting (for other than commercial purposes) crewmembers or other persons aboard the aircraft whose presence is required to perform, or is associated with the performance of, a governmental function such as firefighting, search and rescue, law enforcement, aeronautical research, or biological or geological resource management; or transporting (for other than commercial purposes) persons aboard the aircraft if the aircraft is operated by the Armed Forces or an intelligence agency of the United States. Notwithstanding any limitation relating to use of the aircraft for commercial purposes, an aircraft shall be considered to be a public aircraft without regard to whether it is operated by a unit of government on behalf of another unit of government pursuant to a cost reimbursement agreement, if the unit of government on whose behalf the operation is conducted certifies to the Administrator of the Federal Aviation Administration that the operation was necessary to respond to a significant and imminent threat to life or property (including natural resources) and that no service by a private operator was reasonably available to meet the threat

- Serious injury means any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date of the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes, or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage; (4) involves any internal organ; or (5) involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

- Substantial damage means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowlings, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this part. [53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40112, Aug. 7, 1995]

Subpart B--Initial Notification of Aircraft Accidents, Incidents, and Overdue Aircraft

Sec. 830.5 Immediate notification.

The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board) field office \1\ when:

 \1\ The Board field offices are listed under U.S. Government in the telephone directories of the following cities: Anchorage, AK, Atlanta, GA, West Chicago, IL, Denver, CO, Arlington, TX, Gardena (Los Angeles), CA, Miami, FL, Parsippany, NJ (metropolitan New York, NY), Seattle, WA, and Washington, DC.

(a) An aircraft accident or any of the following listed incidents occur:

- (1) Flight control system malfunction or failure;
- (2) Inability of any required flight crewmember to perform normal flight duties as a result of injury or illness;
- (3) Failure of structural components of a turbine engine excluding compressor and turbine blades and vanes;
- (4) In-flight fire; or
- (5) Aircraft collide in flight.
- (6) Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less.

(7) For large multiengine aircraft (more than 12,500 pounds maximum certificated takeoff weight):

- (i) In-flight failure of electrical systems which requires the sustained use of an emergency bus powered by a back-up source such as a battery, auxiliary power unit, or air-driven generator to retain flight control or essential instruments;
- (ii) In-flight failure of hydraulic systems that results in sustained reliance on the sole remaining hydraulic or mechanical system for movement of flight control surfaces;
- (iii) Sustained loss of the power or thrust produced by two or more engines; and
- (iv) An evacuation of an aircraft in which an emergency egress system is utilized.

(b) An aircraft is overdue and is believed to have been involved in an accident.[53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40113, Aug. 7, 1995]

Sec. 830.6 Information to be given in notification.

The notification required in Sec. 830.5 shall contain the following information, if available:

- (a) Type, nationality, and registration marks of the aircraft;
- (b) Name of owner, and operator of the aircraft;
- (c) Name of the pilot-in-command;
- (d) Date and time of the accident;
- (e) Last point of departure and point of intended landing of the aircraft;
- (f) Position of the aircraft with reference to some easily defined geographical point;
- (g) Number of persons aboard, number killed, and number seriously injured;
- (h) Nature of the accident, the weather and the extent of damage to the aircraft, so far as is known; and
- (i) A description of any explosives, radioactive materials, or other dangerous articles carried.

Subpart C--Preservation of Aircraft Wreckage, Mail, Cargo, and Records

Sec. 830.10 Preservation of aircraft wreckage, mail, cargo, and records.

(a) The operator of an aircraft involved in an accident or incident for which notification must be given is responsible for preserving to the extent possible any aircraft wreckage, cargo, and mail aboard the aircraft, and all records, including all recording mediums of flight, maintenance, and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen until the Board takes custody thereof or a release is granted pursuant to Sec. 831.12(b) of this chapter.

(b) Prior to the time the Board or its authorized representative takes custody of aircraft wreckage, mail, or cargo, such wreckage, mail, or cargo may not be disturbed or moved except to the extent necessary:

- (1) To remove persons injured or trapped;
- (2) To protect the wreckage from further damage; or
- (3) To protect the public from injury.

(c) Where it is necessary to move aircraft wreckage, mail or cargo, sketches, descriptive notes, and photographs shall be made, if possible, of the original positions and condition of the wreckage and any significant impact marks.

(d) The operator of an aircraft involved in an accident or incident shall retain all records, reports, internal documents, and memoranda dealing with the accident or incident, until authorized by the Board to the contrary.

submit the statement as soon as he is physically able.

(c) Where to file the reports. The operator of an aircraft shall file any report with the field office of the Board nearest the accident or incident.[53 FR 36982, Sept. 23, 1988, as amended at 60 FR 40113, Aug. 7, 1995]

Subpart D--Reporting of Aircraft Accidents, Incidents, and Overdue Aircraft

Sec. 830.15 Reports and statements to be filed.

(a) Reports. The operator of a civil, public (as specified in Sec. 830.5), or foreign aircraft shall file a report on Board Form 6120.1/2\ (OMB No. 3147-0001) \2\ within 10 days after an accident, or after 7 days if an overdue aircraft is still missing. A report on an incident for which immediate notification is required by Sec. 830.5(a) shall be filed only as requested by an authorized representative of the Board.

 \2\ Forms are available from the Board field offices (see footnote 1), from Board headquarters in Washington, DC, and from the Federal Aviation Administration Flight Standards District Offices.

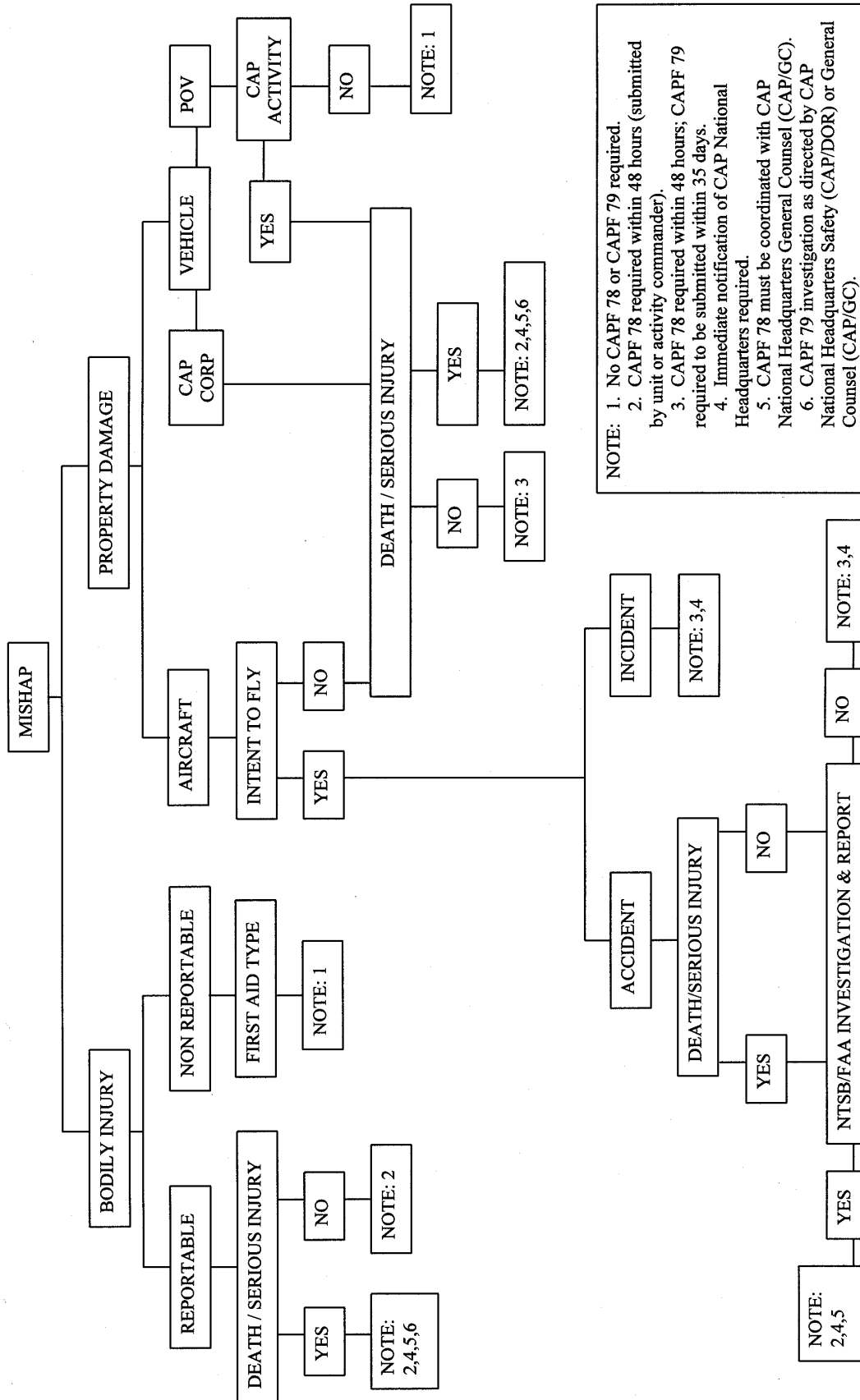
(b) Crewmember statement. Each crewmember, if physically able at the time the report is submitted, shall attach a statement setting forth the facts, conditions, and circumstances relating to the accident or incident as they appear to him. If the crewmember is incapacitated, he shall

MISHAP REPORT FORM		DATE OF REPORT		THIS REPORT MUST BE COMPLETED IN ACCORDANCE WITH CAPR 62-2 FOR ALL CAP MISHAPS			
INSTRUCTIONS: This report must be completed by the unit commander or designee and forwarded within 48 hours following each accident which results in injury to any person and/or damage to any property during CAP activities. See CAPR 62-2, paragraph 5, for distribution.							
DATE OF MISHAP		TIME OF MISHAP		REGION		WING	
PLACE OF MISHAP							
TYPE MISHAP (Check one or more) <input type="checkbox"/> Bodily Injury <input type="checkbox"/> Vehicle <input type="checkbox"/> Aircraft <input type="checkbox"/> Flight <input type="checkbox"/> Ground							
AIRCRAFT OR VEHICLE							
A/C OR VEH NO.	A/C N-NUMBER OR VEH IDENTIFICATION NO.	YEAR/MAKE/MODEL		APPARENT DAMAGE SUSTAINED		EST REPAIR COSTS (OR MARKET VALUE IF TOTAL LOSS)	
1							
2							
PRIVATE PROPERTY DAMAGE OTHER THAN AIRCRAFT OR VEHICLE (OBJECT DAMAGED AND EXTENT OF DAMAGE):						EST REPAIR COSTS	
A. PERSON AT CONTROLS							INJURY
A/C OR VEH NO.	GRADE AND NAME		AGE	PHONE NUMBER	CAP UNIT NO.		FATAL
1							<input type="checkbox"/>
2							<input type="checkbox"/>
CAP Operator's License No. Veh 1:				CAP Operator's License No. Veh 2:			
B. CODE: W-WITNESS P-PASSENGER S-SCANNER O-OBSERVER Z-OTHER (SPECIFY BELOW)							INJURY
A/C OR VEH NO.	GRADE AND NAME		AGE	PHONE NUMBER	CODE	CAP UNIT NO.	FATAL
1							<input type="checkbox"/>
2							<input type="checkbox"/>
Code Z (Specify Here):							
C. OWNER OF AIRCRAFT OR VEHICLE							INJURY
A/C OR VEH NO.	GRADE AND NAME		AGE	PHONE NUMBER	CAP UNIT NO.		FATAL
1							<input type="checkbox"/>
2							<input type="checkbox"/>
D. PERSON(S) INJURED NOT AS A RESULT OF AIRCRAFT OR VEHICLE MISHAP							INJURY
GRADE AND NAME			AGE	PHONE NUMBER	CAP UNIT NO.		FATAL
							<input type="checkbox"/>
							<input type="checkbox"/>
PURPOSE OF ACTIVITY:							
MOVEMENT OF AIRCRAFT OR VEHICLE WAS REQUESTED BY:							

CAP Form 78, Sep 99 REVERSE

CIVIL AIR PATROL MISHAP REPORTING / INVESTIGATING

(Notification of Wing, Region, and Liaison Region Commanders must be accomplished prior to contacting CAP National HQ)



CAP BOARD PROCEDURES

- 1. THE APPOINTING AUTHORITY:** The wing commander is the appointing authority for boards involving wing personnel. The region commander is the appointing authority for boards involving region personnel. All boards should be appointed on orders listing the board members and purpose of the investigation.
- 2. THE APPEAL AUTHORITY:** The appeal authority is the next higher commander in the chain of command of the appointing authority.
- 3. THE RESPONDENT:** The appointing authority or the chairperson of the board may name one or more individuals as respondents depending on the circumstances of the investigation. A respondent is an individual who may be held accountable, pecuniary liable, or subject to discipline or adverse membership actions as a result of the matter under investigation.
- 4. HEARING BOARD COMPOSITION:** The board shall consist of three or more officers appointed by the appointing authority. The senior officer will be appointed chairperson.
- 5. USE OF CAP LEGAL OFFICERS:** The use of CAP legal officers is encouraged in the various stages of board hearing proceedings, including preliminary screening of cases and use as nonvoting board advisers. If a respondent employs a lawyer to represent him/her in the board proceeding, the appointing authority shall appoint a CAP legal officer to represent CAP's interest as a presenter of the case and/or as a nonvoting board adviser.
- 6. SERVICE OF NOTICE:** All notices or decisions shall be served personally or sent by first class mail to the last known CAP address of the respondent. Notice by mail shall be deemed received by the addressee on the fifth day after mailing, Sundays and legal holidays excluded. Any documents submitted by a respondent must be given to the chairperson.
- 7. NOTICE:** Notices of hearings must be given to the respondent in writing at least seven calendar days in advance and must contain a summary of the allegations or charges, the time, date, and location of the hearing, and a copy of the procedures.
- 8. PROCEDURES - IF NO RESPONDENT:** The board shall review the preliminary information and thereafter convene at the call of the chairperson. If the respondent does not appear at the hearing, the board may convene and proceed in an informal manner to conduct its inquiry and investigation, and then prepare its findings and recommendations for the appointing authority's decision.
- 9. PROCEDURES - WITH RESPONDENT:**

General. When one or more respondents are named, the following procedures apply:

- a. Hearings.** The chairperson shall provide notice of the hearing to the respondent(s) as outlined in Section 7, "Notice." The board hearings shall be informal in nature with no formal rules of evidence. The chairperson shall rule on all requests, objections, and other matters arising before and during the board hearing. The board has the right to call witnesses and consider documentary evidence of all kinds. Board members may question all witnesses.
- b. Respondent's Rights.** The respondent has the right to be present at the hearing and may represent himself/herself, or be represented by a lawyer without cost to CAP. The respondent may cross-examine the board's witnesses, call witnesses of his/her own and present documents and other evidence without cost to CAP.
- c. Records of Hearings.** There is no requirement to make a verbatim record of the hearing, although the recording or taping of the hearing by the board is encouraged. If either the board or the respondent tapes or records the hearing, a copy must be furnished within a reasonable time to the other party. The requesting party shall pay costs of copying.
- d. Board Report and Appointing Authority's Decision.** At the conclusion of the hearing, the board shall deliberate and prepare its findings and recommendations. The use of CAP legal officers is encouraged in putting the findings and recommendations in proper form. The board's report shall be submitted directly to the appointing authority for decision. The appointing authority may approve or disapprove the board's findings and recommendations, and in appropriate cases, may take more severe action than recommended by the board. The decision of the appointing authority must be served on the respondent as provided for in Section 6, "Service of Notice."
- e. Appeals.** Appeals must be filed with the next level of command as provided for in Section 6, "Service of Notice," within 30 days from the date the respondent was served with the decision of the appointing authority. Failure to appeal within the 30-day time limit waives any right of appeal and the decision of the appointing authority is final.
- f. Appeal in Writing.** There is no right to a personal appearance before the appeal authority. The respondent's appeal must be in writing and state all reasons why the decision of the appointing authority should be reversed or changed.

g. Decision of Appeal Authority. If a proper appeal has been filed, the appeal authority may approve, modify, or reverse the decision of the appointing authority. The decision of the appeal authority is final and no further appeal within CAP is authorized and may not be the subject of any other complaint process within CAP. The respondent will be notified of the decision as provided for in Section 6, "Service of Notice."

10. RECORDS RETENTION: Records of board proceedings should be retained for two years from the date of the final decision, unless litigation or other circumstances warrant longer retention.

CAP MISHAP INVESTIGATION FORM (See CAPR 62-2)			
DATE OF MISHAP:		TIME OF MISHAP:	
PLACE OF MISHAP:			
CAP INDIVIDUAL OR PROPERTY INVOLVED			
NAME, A/C N-NUMBER OR VEHICLE IDENTIFICATION NUMBER:		YEAR, MAKE, MODEL:	
DESCRIBE INJURY OR PROPERTY DAMAGE:		COST OF TREATMENT OR REPAIR:	
INVESTIGATION. Attach copies of investigating board/officer's reports. Report should include background, training, experience, supervision, circumstances of the mishap, damage/injury, cost, cause, factors, and recommended corrective action. Photographs or sketches should be attached as applicable.			
CONCLUSION OF INVESTIGATION			
PROBABLE CAUSE OF MISHAP: (Pilot error, inadequate supervision, material, etc., and supporting facts).			
RECOMMENDED CORRECTIVE ACTION: (Include pecuniary liability recommendations if negligence is involved. See CAPR 62-2).			
AIRCRAFT INFORMATION (Complete the following information for CAP aircraft involved in accidents or incidents).			
TOTAL TIME AIRFRAME:	DATE OF ANNUAL INSP:	TIME FLOWN LAST 12 MOS:	TIME SINCE LAST 100-HOUR INSPECTION:
TOTAL TIME ENGINE:	TIME SINCE LAST MAJOR O'HAUL:	TIME SINCE TOP O'HAUL:	LIST ANY RECENT MAINTENANCE:
IF MISHAP WAS DUE TO MATERIAL FAILURE, COMPLETE THE FOLLOWING INFORMATION:			
NOMENCLATURE OF FAILED PART:	MANUFACTURER PART NUMBER:	ESTIMATED OPERATING TIME:	CAUSE OF FAILURE: (Excessive wear, corrosion, etc.)
NOTE: ATTACH PHOTOGRAPH OF DAMAGED MATERIAL(S)			
IS FAILED PART AVAILABLE FOR INSPECTION? <input type="checkbox"/> Yes (If Yes, list name and telephone number of CAP contact.) <input type="checkbox"/> No			
CAP Contact:		Phone Number:	
GRADE, NAME, AND PHONE NUMBER:		SIGNATURE:	DATE:

ENDORSEMENTS		
TO:	DATE:	
COMMENTS ON INVESTIGATOR'S FINDINGS, CAUSES, AND RECOMMENDATIONS:		
ACTION: Member has been assessed \$ Pecuniary liability (in accordance with CAPR 62-2). If not, explain why:		
CORRECTIVE ACTION:		
SIGNATURE AND GRADE OF WING COMMANDER:	UNIT:	
TO: NATIONAL HEADQUARTERS CAP/DOR	DATE:	
COMMENT ON PRECEDING ENDORSEMENTS:		
SIGNATURE AND GRADE OF REGION COMMANDER:	UNIT:	